

AMENDED IN SENATE SEPTEMBER 3, 2003

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY JUNE 3, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 539

Introduced by Assembly Member Laird

February 18, 2003

An act to amend ~~Section 1766~~ *Sections 1725 and 1766* of the Business and Professions Code, relating to healing arts, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as amended, Laird. Dentistry: dental hygienists.

Existing law provides for the regulation of dental auxiliaries by the Committee on Dental Auxiliaries, under the jurisdiction of the Dental Board of California. Existing law defines the practice of dental hygiene and authorizes a dental hygienist to perform specified procedures under direct, general, and no supervision. Existing law, with specified exceptions, prohibits a person other than a licensed dental hygienist or a licensed dentist from engaging in the practice of dental hygiene or the performance of dental hygiene patient procedures.

This bill would require the board, until January 1, 2009, to license a 3rd- or 4th-year dental student who meets specified requirements and is in good standing in an accredited California dental school as a registered dental hygienist. The bill would specify that these students

may practice as registered dental hygienists only in dental practices that serve patients insured by Denti-Cal, the Healthy Families Program, or other government programs, or that charge fees based on income. The bill would provide that the licenses of these students would automatically be revoked when a license to practice dentistry is received.

Existing law provides that the fee for examination for licensure as a registered dental hygienist shall not exceed \$220, and provides that the fee shall be deposited in the State Dental Auxiliary Fund, which is continuously appropriated.

This bill would specify that for 3rd or 4th year dental students, the fee for licensure as a registered dental hygienist shall not exceed the actual cost for licensure. Because the bill would add a new source of revenue for deposit into a continuously appropriated fund, it would make an appropriation.

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *Section 1725 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 1725. The amount of the fees prescribed by this chapter that
- 4 relate to the licensing of dental auxiliaries shall be established by
- 5 board resolution and subject to the following limitations:
- 6 (a) The application fee for an original license shall not exceed
- 7 twenty dollars (\$20).
- 8 (b) The fee for examination for licensure as a registered dental
- 9 assistant shall not exceed fifty dollars (\$50) for the written
- 10 examination and shall not exceed sixty dollars (\$60) for the
- 11 practical examination.
- 12 (c) The fee for examination for licensure as a registered dental
- 13 assistant in extended functions shall not exceed two hundred fifty
- 14 dollars (\$250).
- 15 (d) The fee for examination for licensure as a registered dental
- 16 hygienist shall not exceed two hundred twenty dollars (\$220).
- 17 (e) *For third- and fourth-year dental students, the fee to be*
- 18 *licensed as a registered dental hygienist shall not exceed the actual*
- 19 *cost for licensure.*



1 (f) The fee for examination for licensure as a registered dental
2 hygienist in extended functions shall not exceed two hundred fifty
3 dollars (\$250).

4 ~~(f)~~

5 (g) The board shall establish the fee at an amount not to exceed
6 actual cost for licensure as a registered dental hygienist in
7 alternative practice.

8 ~~(g)~~

9 (h) The biennial renewal fee for a dental auxiliary whose
10 license expires on or after January 1, 1991, shall not exceed sixty
11 dollars (\$60). On or after January 1, 1992, the board may set the
12 renewal fee in an amount not to exceed eighty dollars (\$80).

13 ~~(h)~~

14 (i) The delinquency fee shall not exceed twenty-five dollars
15 (\$25) or one-half of the renewal fee, whichever is greater. Any
16 delinquent license may be restored only upon payment of all fees,
17 including the delinquency fee.

18 ~~(i)~~

19 (j) The fee for issuance of a duplicate registration, license, or
20 certificate to replace one that is lost or destroyed, or in the event
21 of a name change, shall not exceed twenty-five dollars (\$25).

22 ~~(j)~~

23 (k) The fee for each curriculum review and site evaluation for
24 educational programs for registered dental assistants which are not
25 accredited by a board-approved agency, the Council for Private
26 Postsecondary and Vocational Education, or the Chancellor's
27 office of the California Community Colleges shall not exceed one
28 thousand four hundred dollars (\$1,400).

29 ~~(k)~~

30 (l) The fee for each curriculum review and site evaluation for
31 radiation safety courses that are not accredited by a board
32 approved agency, the Council for Private Postsecondary and
33 Vocational Education, or the Chancellor's office of the California
34 Community Colleges shall not exceed three hundred dollars
35 (\$300).

36 ~~(l)~~

37 (m) No fees or charges other than those listed in subdivisions
38 (a) through (k) above shall be levied by the board in connection
39 with the licensure of dental auxiliaries, registered dental assistants

1 educational program site evaluations and radiation safety course
2 site evaluations pursuant to this chapter.

3 ~~(m)~~

4 (n) Fees fixed by the board pursuant to this section shall not be
5 subject to the approval of the Office of Administrative Law.

6 ~~(n)~~

7 (o) Fees collected pursuant to this section shall be deposited in
8 the State Dental Auxiliary Fund.

9 SEC. 2. Section 1766 of the Business and Professions Code is
10 amended to read:

11 1766. (a) The board shall license as a registered dental
12 hygienist a person who satisfies all of the following requirements:

13 (1) Completion of an educational program for registered dental
14 hygienists, approved by the board, and accredited by the
15 Commission on Dental Accreditation, and conducted by a
16 degree-granting, postsecondary institution.

17 (2) Satisfactory performance on an examination required by
18 the board.

19 (3) Satisfactory completion of a national written dental
20 hygiene examination approved by the board.

21 (b) The board may grant a license as a registered dental
22 hygienist to an applicant who has not taken an examination before
23 the board, if the applicant submits all of the following to the board:

24 (1) A completed application form and all fees required by the
25 board.

26 (2) Proof of a current license as a registered dental hygienist
27 issued by another state that is not revoked, suspended, or otherwise
28 restricted.

29 (3) Proof that the applicant has been in clinical practice as a
30 registered dental hygienist or has been a full-time faculty member
31 in an accredited dental hygiene education program for a minimum
32 of 750 hours per year for at least five years preceding the date of
33 his or her application under this section. The clinical practice
34 requirement shall be deemed met if the applicant provides proof
35 of at least three years of clinical practice and commits to
36 completing the remaining two years of clinical practice by filing
37 with the board a copy of a pending contract to practice dental
38 hygiene in any of the following facilities:

39 (A) A primary care clinic licensed under subdivision (a) of
40 Section 1204 of the Health and Safety Code.



1 (B) A primary care clinic exempt from licensure pursuant to
2 subdivision (c) of Section 1206 of the Health and Safety Code.

3 (C) A clinic owned or operated by a public hospital or health
4 system.

5 (D) A clinic owned and operated by a hospital that maintains
6 the primary contract with a county government to fill the county's
7 role under Section 17000 of the Welfare and Institutions Code.

8 (4) Proof that the applicant has not been subject to disciplinary
9 action by any state in which he or she is or has been previously
10 licensed as a registered dental hygienist or dentist. If the applicant
11 has been subject to disciplinary action, the board shall review that
12 action to determine if it warrants refusal to issue a license to the
13 applicant.

14 (5) Proof of graduation from a school of dental hygiene
15 accredited by the Commission on Dental Accreditation.

16 (6) Proof of satisfactory completion of the Dental Hygiene
17 National Board Examination and of a state or regional clinical
18 licensure examination.

19 (7) Proof that the applicant has not failed the examination for
20 licensure to practice dental hygiene under this chapter more than
21 once or once within five years prior to the date of his or her
22 application for a license under this section.

23 (8) Documentation of completion of a minimum of 25 units of
24 continuing education earned in the two years preceding
25 application, including completion of any continuing education
26 requirements imposed by the board on registered dental hygienists
27 licensed in this state at the time of application.

28 (9) Any other information as specified by the board to the
29 extent that it is required of applicants for licensure by examination
30 under this article.

31 (c) The board may periodically request verification of
32 compliance with the requirements of paragraph (3) of subdivision
33 (b), and may revoke the license upon a finding that the
34 employment requirement or any other requirement of paragraph
35 (3) has not been met.

36 (d) The board shall provide in the application packet to each
37 out-of-state dental hygienist pursuant to this section the following
38 information:

39 (1) The location of dental manpower shortage areas in the state.

(2) Any not-for-profit clinics, public hospitals, and accredited dental hygiene education programs seeking to contract with licensees for dental hygiene service delivery or training purposes.

(e) The board shall review the impact of this section on the availability of actively practicing dental hygienists in California and report to the appropriate policy and fiscal committees of the Legislature by January 1, 2006. The report shall include a separate section providing data specific to dental hygienists who intend to fulfill the alternative clinical practice requirements of subdivision

(b). The report shall include, but not be limited to, the following:

(1) The number of applicants from other states who have sought licensure.

(2) The number of dental hygienists from other states licensed pursuant to this section, the number of licenses not granted under this section, and the reason why the license was not granted.

(3) The practice location of dental hygienists licensed pursuant to this section.

(4) The number of dental hygienists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dental hygienists or no dental hygienists or in a safety net facility identified in paragraph (3) of subdivision (b).

(5) The length of time dental hygienists licensed pursuant to this section practiced in the reported location.

(f) In identifying a dental hygienist's location of practice, the board shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(g) (1) The board shall license as a registered dental hygienist a third- or fourth-year dental student who is in good standing at an accredited California dental school and who satisfies the following requirements:

(A) Satisfactorily performs on an examination required by the board.

(B) Satisfactorily completes a national written dental hygiene examination approved by the board.

(2) A dental student who is granted a registered dental hygienist license pursuant to this subdivision may only practice in a dental practice that serves patients who are insured under Denti-Cal, the Healthy Families Program, or other government programs, or a dental practice that has a sliding scale fee system based on income.

1 (3) Upon receipt of a license to practice dentistry pursuant to
2 Section 1634, a registered dental hygiene license issued pursuant
3 to this subdivision is automatically revoked.

4 (4) The provisions of paragraphs (1) and (2) of this subdivision
5 shall be reviewed pursuant to Division 1.2 (commencing with
6 Section 473). However, the review shall be limited to the fiscal
7 feasibility and impact on the board.

8 (5) This subdivision is inoperative as of January 1, 2009.

